

### **REMARKS/ARGUMENTS**

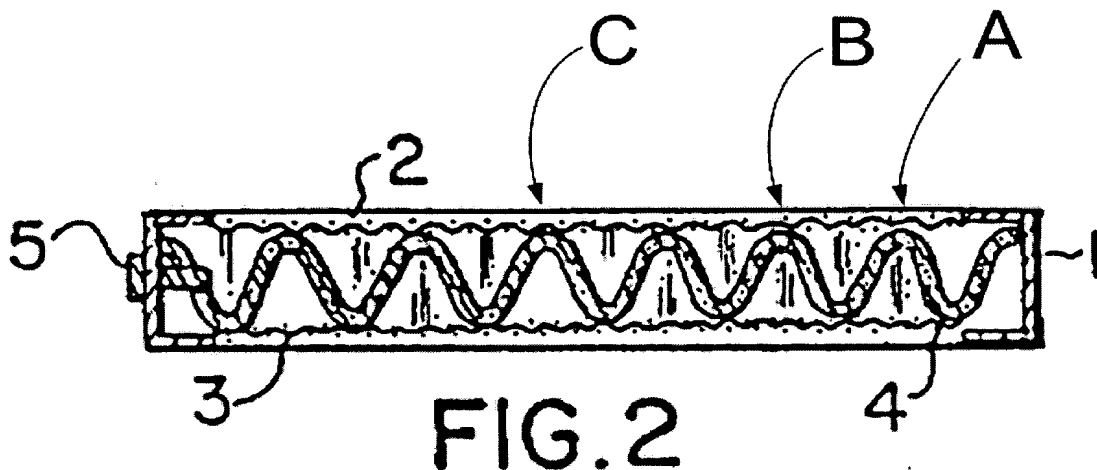
Claims 1-24 remain in the application.

#### **A. Claim rejections.**

Claims 1-6, 9-12, 15 and 16 were rejected under 35 U.S.C. 102 as anticipated by or obvious over Pick. This rejection is respectfully traversed.

The Office Action notes that in the response filed January 3, 2005 the references to the Pick drawings used numerals from the '470 patent rather than the '372 patent. However, the content of the drawings and the description of those drawings is exactly the same. Applicants' maintain the validity of the arguments presented in that response.

Specifically, Pick does not show or suggest, in either the '372 or the '470 patent, affixing an electrode to the fibrous filter media as called for in claim 1. In this enlarged copy of Fig. 2 from Pick:



it is clear that at the point labeled "A" there is no contact between element 2 and element 4. At the point labeled "B" it is questionable what type of contact is present, and at the point labeled "C" contact clearly occurs on either side of the peak of the pleat. As a result, the points of contact do not lie in a plane. Instead, contact is made below the pleat peak at some location, and contact is not made at all in other locations.

Significantly, Fig. 2 demonstrates that at least at the region labeled "A" element 2 cannot be affixed to element 4 because they do not even touch. Nothing in the text of the Pick reference suggests any mechanism, means or substance that would affix element 2 to element 4. It is maintained that these elements will, at best, haphazardly make contact with each other (or fail to make contact with each other) in a manner that will change constantly during and after installation of a filter in an air handling assembly. This haphazard arrangement does not show or suggest the physical contact in a plurality of substantially planar locations called for in claim 1.

For at least these reasons, Pick does not show or suggest independent claim 1. Claims 2-6 and 9-11 that depend from claim 1 are believed to be allowable for at least the same reasons as claim 1. Further, the particular limitations of claims 3-5, 9 and 11 are not shown or fairly suggested by the Pick reference. Accordingly, claims 1-6 and 9-11 are allowable over the relied on reference.

Independent claim 12 calls for an activity of affixing a substantially planar conductive electrode to the fibrous filter media such that the conductive electrode physically contacts the fibrous filter media at a plurality of locations. Claim 12 is distinct from Pick at least because Pick does not show or suggest affixing the electrode to the media, nor does Pick show or suggest performing the activity of affixing called for in claim 12. Claims 15 and 16 that depend from claim 12 are believed to be allowable for at least the same reasons as claim 12.

**B. Claim rejections.**

Claims 7, 8 and 13 were rejected under 35 U.S.C. 103 obvious over Pick in view of Joannou et al. This rejection is respectfully traversed. Claims 7, 8 and 13 are distinct over Pick for the reasons set out above with respect to claims 1 and 12 from which they depend, respectively. Joannou et al. do not show or suggest affixing the electrode to the media, nor do Joannou et al. show or suggest performing the activity of affixing so as to result in the particular contact locations called for in claim 12.

Admittedly, Joannou et al show the use of glue beads. However, claims 7 and 8 call for the glue beads to form a protrusion when crossing a pleat tip and a conductive electrode affixed by the protrusion. Fig. 5, which is a view taken looking down on the pleat tips, clearly shows electrode 7 positioned on one side of the pleat tip. Fig. 6 is a not a section taken through the pleat tips. However, this view does show that the glue bead 7 is never used to affix the conductor 7 to a protrusion of the glue bead at the pleat tip. Fig. 3A-3C also show various embodiments clearly illustrating the fold lines, at which pleat tips would occur, and the manner in which the conductive elements 7 never cross the fold lines (pleat tips).

For at least these reasons claims 7, 8 and 13 are not made obvious by Pick in view of Jonnou et al.

Claim 14 was rejected under 35 U.S.C. 103 obvious over Pick in view of Joannou et al. and further in view of Stemmer. This rejection is respectfully traversed. As Stemmer does not show or suggest the deficiencies of the Pick and Joannou et al. references noted above, claim 14 is believed to be allowable.

Claims 17-23 were rejected under 35 U.S.C. 103 obvious over Pick in view of Coppom. This rejection is respectfully traversed. Independent claim 17 calls for a conductive electrode making physical contact to the fibrous filter media in a plurality of substantially planar locations. As noted above, Pick does not show or suggest affixing the electrode to the media to provide a substantially planar contact called for in claim 17. Coppom, which is the same inventor as the instant application, does not supply the deficiencies of Pick.

Claims 18-22 that depend from claim 17 are allowable over Pick in view of Coppom for at least the same reasons as claim 17 as well as the additional limitations expressed in claims 18-22.

With respect to independent claim 23, the final Office action does not state any portions of the relied on combination of references that show or suggest establishing a substantially uniform electric field. Hence this element of claim 23 has never been rejected because a prima facie case of obviousness

has never been stated. At the very least, it is requested that finality of the office action should be withdrawn until this element is addressed by the Office.

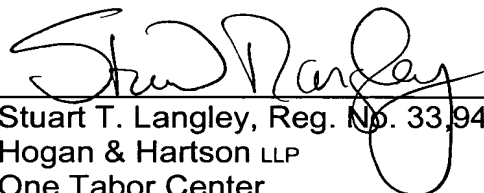
Claim 24 calls for, among other things, a conductive electrode affixed to the fibrous filter media, wherein the conductive electrode makes physical contact to the fibrous filter media in a plurality of substantially planar locations. As noted above, these features of claim 24 is not shown or suggested by the relied on references. Chapman does not supply this deficiency of Pick. Accordingly, claim 24 is believed to be allowable over the relied on references.

**C. Conclusion.**

This response is filed together with a request for extension of time and the required fee. Any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

April 15, 2005

Respectfully submitted,



Stuart T. Langley, Reg. No. 33,940  
Hogan & Hartson LLP  
One Tabor Center  
1200 17th Street, Suite 1500  
Denver, Colorado 80202  
(720) 406-5335 Tel  
(303) 899-7333 Fax